

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHANE BOWMAN, et al.,)
individually and on behalf of all)
others similarly situated,)
)
Plaintiffs,)
)
vs.) Case No. 4:13 CV 2519 CDP
)
THE DOE RUN RESOURCES)
CORP., et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before me on plaintiffs' amended complaint, which the Court will liberally construe **on this occasion only** as a motion for leave to amend the complaint.¹ Under Fed. R. Civ. P. 15(a)(2), “[t]he court should freely give leave when justice so requires.” This case is recently filed, and no discovery has taken place. Plaintiffs' amended complaint contains additional allegations against defendant All Type Contracting in an apparent attempt to address the issues raised in the pending motion to dismiss.² Therefore, in the interests of justice I will grant

¹Although plaintiffs were granted an extension of time to file their response to defendant All Type Contracting's motion to dismiss, leave to amend is still required under Fed. R. Civ. P. 15(a) as plaintiffs' amended pleading was filed beyond the 21-day period provided in Rule 15(a)(1)(B) for amending as a matter of course.

²I make no findings as to whether these allegations are sufficient to state a claim against All Type Contracting as the issue is not presently before me.

plaintiffs leave to amend. **Any future requests for leave to amend must be made by motion and accompanied by a proposed amended pleading.** As defendant's motion to dismiss is directed at the original complaint, it will be denied as moot.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for leave to amend the complaint [#35] is granted, and plaintiffs' amended complaint is deemed filed as of this date.

IT IS FURTHER ORDERED that defendant's motion to dismiss [#25] is denied as moot.

IT IS FURTHER ORDERED that the motion for leave to appear *pro hac vice* by John Givens [#34] is granted.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of April, 2014.